1915 — File No. 577-15 p53

B.M — S. No 3. 6. 9, 10

G. R. S. IX-5]

Previous references.

File No. 517-15

1915.

Serial Nos. 3-6. 9-10.

(Gen. Reis.)

Later references.

G.M. 622-16 (1 & 2)
G. M. 517-16 Slo 13-14
pp 162-18 Slo 184
pp. 162-18(6,) 18)
pp 57-19 (7610, 1641 7)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for aug: 16

SUBJECT.

Appointment of the Rec. Commr. as Custodian of enemy property for the registration of claims against enemy subjects.

W D 88—GPB—50,000—24-7916

G. R. S. 11] 1915.

GENERAL AND REVENUE SECRETARIAT.

(G. M)

NOTES.

File No. 517-15

FILE HEADING.

Registration of claims of British and British Indian Subjects against enemy subjects and enemy governments

From

The 7-A Resident in Mysore

No. 3882 Dated 2-6-16 Received 2-6-16 (noted 8-6-16)

Diary No. 105 | 13 Enclos. 12 Spare Copies. 3 | Serial No. 3

BRIEF ABSTRACT OF LETTER.

Forwards copy of letter No 2208-W dated 27-4-16 from the Govt of India regarding the scheme for the registration of claims of British and British Indian Subjects against enemy subjects and enemy governments and requests that if there is no objection the Govt may take similar action and that particulars of claims reported and accepted by them may be communicated to the Residency.

NOTES AND ORDERS.

1) Submitted for orders, Br. III may be consulted.

D.S. 9-6-16

VS

2) Action may be taken on the lines suggested. What is proposed is that

NOTES—First Sheet.

G. R. S. 12]

General and Revenue Secretariat. GM File No. 517 of 191 - 10573

Serial No.

full information should be obtained regarding

(a) property in enemy Countries belonging to Mysore Subjects

and (b) claims against enemy Governments in respect of goods requisitioned, sequestrated or destroyed by those Governments.

3) To receive the information referred to in cl (a) and examine the claims referred to in cl (b), an officer corresponding to the Custodian of Enemy Property attached to Bombay, Bengal and Madras has to be appointed. The work is not likely to be heavy. The duties may be assigned to one of the Heads of Departments.

4) The procedure adopted by the Govt of India and the forms prescribed by them may be followed. (Gen Secy) Sd 17/6/16

5) Instructions will have to be directed through the Ds Comrs. We may suggest the Rev Comr as the C. S. P, as he is the controlling authority of the Ds Comrs. Drafts may be prepared Secy

Sd 20/6/16

Submitted

NOTE—Contn. sheet.

GPL—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat. | S M File No. 519 of 1915 | 105 D

Serial No.

6 Three drafts are put up. Perhaps it may be necessary to consult the Rev. Commissioner. demi officially. DS 21.6.16 VB

7) Three drafts Submitted U/ 6/7/16 Draw gr Clerk U/ 7/7/16

(Gen Secy / Asst Secy / Revenue Member)

8) Approved U/ 8.7

9) Draw

10. Before issue.

190 / 7.7.16

9/7 Draw gr Clerk 9/7 KB 10/7-16

180 / 10.7.16 (Drafts have been altered)

11. Place issue & submit papers for his signature 11.7.16 RC

12 Issue ordered Draw 12/7 KB 12/7/16

4 To. The Compiler Mysore Gazette No G 576 dt 13-7-16

Notifies the appointment of the Rev. commissioner as Custodian of enemy Property. Mysore in addition to his own duties till the war is over. The Revenue Commr No G 578 dt 13-7-16

Forwards copy of the above

5 To. The Compiler No G 578 dt 13-7-16

Notifies for general information

NOTE—Contn. sheet.

GPB—70,000—17-12-15

10573

(4

G. R. S. 12]

General and Revenue Secretariat. | G. Sn. File No. 517 of 1915.

Serial No.

the details of the record that the Custodian of Enemy Property, Lucknow Keeps or in his Custody

To The Rev. Commr. & Custodian

No G 579 dt 13-7-16

Forwards copy of the above

6. To The Rev Commissioner

No G 580 dt 13-7-16

Forwards copies of certain papers regarding the scheme for the Registration of claims of subjects of the State against enemy subjects and enemy governments for giving wide publicity to them.

To The Deputy Commrs of Districts

No G 581-88 dt 13-7-16

Forwards copies of the above

To The Supdt Govt Press No G 589 dt 13/7/16

Forwards copies the above

Resubmitted with reference to paragraph 11 above.

Recd 14/7/16
Issd 15/7/16

Glr Secy

15/7/16

w.r.t D.S.N

Recd 17.7.16.

NOTE—Contn. sheet.

G.P.B—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat. | File No. | of 191

Serial No.

679
1.8.16

A D.S N Tiptup.
Dewan

Dewan J Clan
1/0

NOTE—Contn. sheet.

GPB—70,000—17-12-15

6

Submitted to His Highness.

Encl to Paper under disposal

The accompanying papers relate to the scheme adopted by the Government of India for the registration of claims of British and British Indian subjects against Enemy subjects and Enemy Governments.

2. Orders have issued here on the same lines. The Revenue Commissioner has been appointed Custodian of Enemy property. Quarterly statements of claims against Enemy subjects accepted by him have been called for and these will be transmitted to the Residency after scrutiny.

3. I submit the papers for His Highness' perusal

M. Venkatarama
4th May 1916

BR

10543

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Papers relating to the scheme adopted by the Government of India for the registration of claims of British and British Indian subjects against Enemy Subjects and Enemy Governments.

129.

Order.

~~KRW~~

7/8/16

Lunlaz

7.8.16

do

10573 &
1080

G. R. S. 12]

General and Revenue Secretariat. | C. M. File No. 517 of 1915.

Serial No.

Letter No: 5421-S 2nd aug: 1916 from the 1st A. Resident in Mysore forwarding copy of letter no: 5930-W-11-S of 15th July 1916 from the Govt. of India with its enclosures in regard to the registration of claims of British and British Indian Subjects against enemy subjects & enemy Govts.

Dft. Subd. The Rev. Comm. has been asked to give wide publicity to the Memorandum and there is perhaps no objection to publish the contents of the Residency letter which only puts an interpretation on para. 14 of the Memorandum and its enclosures.

Sd/ 11/8

Issue only if the Custodian W/ 12/8/16

50 To the Rev. Commissioner and Custodian of Enemy Property No G 2221-S: 7-8-16 Forwards copies of 81 G

Sd/ B

NOTE—Contn. sheet.

GPB—70,000—17-12-15

No. 3882

Pol 237 2966-16.

FROM

MAJOR T. H. ST. GEORGE TUCKER,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

DIARY NO. 1057

To

The Dewan of Mysore.

1915-1916
SECTION G.M.
FILE NO. 517-15
SERIAL NO. 3.

Dated Bangalore, 2nd June 1916.

SIR,

I am directed to forward a copy of a letter (with enclosures) No. 2208-W, dated the 27th April 1916, from the Government of India in the Department of Commerce and Industry, regarding the scheme for the registration of claims of British and British Indian subjects against enemy subjects and enemy Governments.

*with 3 spare copies.

2. I am to request that, if there is no objection, the Durbar may take similar action to that explained in the above letter and that particulars of claims reported to and accepted by them may kindly be communicated to this Residency.

I have the honour to be,

Sir,

Your most obedient servant,

T. St. G. Tucker

First Assistant Resident.

R. O. 2.—R. P. B.—4-1916.—1,000

No. 2208.W.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

FROM

THE HONOURABLE MR. C. E. LOW, C.I.E., I.C.S.,

Secretary to the Government of India,

To

ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.

Simla, the 27th April 1916.

SIR,

In continuation of the letter from the Home Department No. 2441-2452, dated the 6th August 1915 and with reference to paragraph 9 of this Department's letter No. 383-W., dated the 22nd November 1915, I am directed to forward a copy of the papers specified on the margin*, regarding the scheme for the registration of claims of British and British Indian subjects against enemy subjects and enemy Governments. I am to request that these orders may be given wide publicity and made known to the mercantile community (through the Chamber(s) of Commerce).

* 1. Telegram from His Majesty's Secretary of State for India, dated the 24th September 1915.

2. Extract from letter from the India Office to the Public Trustee, No. R. and S.-5970-15, dated the 28th September 1915.

3. Extract from letter from the Public Trustee to the India Office No. 518, dated the 1st October 1915, and enclosure.

4. Memorandum of instructions as to registration of claims against enemy subjects and enemy Governments.

5. Tabular Statement showing the methods of analysing returns of property in enemy countries belonging to persons or firms in British India.

6. Press Communiqué dated the 27th April 1916.

2. I am to explain that His Majesty's Government desires to obtain full information regarding (1) property in enemy countries belonging to British and British Indian subjects, (2) claims against enemy Governments in respect of goods requisitioned, sequestrated or destroyed by those Governments and (3) property of enemy subjects situated in India. The procedure followed in the United Kingdom by the Public Trustee and the Foreign Claims Office in order to obtain information under the first two heads is explained in detail in the Memorandum which forms an enclosure to this letter. The Tabular Statement enclosed indicates the methods adopted by the Public Trustee in analysing information received under the first head. The Government of India consider that in order to ensure uniform results the same procedure and methods should as far as possible be followed in India in the various provinces. I am to request that arrangements may be made in the province of
for the collection of the requisite information under the first two heads referred to above.

3. Claims against enemy Governments such as those in respect of property requisitioned, sequestrated or destroyed by those Governments should be examined by the Custodian of Enemy Property or other officer appointed for the purpose by the Local Government and full particulars of cases accepted by him should be reported to the Government of India from time to time for transmission to the India Office. The Government of India further desire that a return in the form of the attached Tabular Statement omitting names of creditors and showing the totals of the claims against enemy subjects received during each quarter should be submitted to them. The first return should contain information collected up to the 30th June 1916. Subsequent returns should show (1) the totals of the previous returns, (2) the additions to the returns during the quarter and (3) the totals up to date. Information as to the total approximate value of personal luggage detained in each enemy country and reported during each quarter should be furnished separately along with the returns.

4. The Government of India have under their consideration the question of collecting reliable information regarding property falling under the third head, *viz.*, property of enemy subjects situated in India. A further communication on this subject will follow.

I have the honour to be,

SIR,

Your most obedient servant,

C E. LOW,

Secretary to the Government of India.

No. 2209-W.

( ) To Foreign and Political Department only.

A copy of the correspondence is forwarded to the Foreign and Political Department and the Home Department for information (and for consideration of the question whether Native States may be asked to take similar action).

By order, etc.,

G. S. HARDY,

Under Secretary to the Government of India.

114CID—1100—26-4-16—GCBP—Simla

Enclosure No. 1.

Telegram, dated the 24th September 1915.

From—The Secretary of State for India,

To—His Excellency the Viceroy (Home Department).

Your telegram dated the 26th August. Foreign Claims Office. Foreign Office request that Government of India should receive and examine claims from British India against enemy Government following same procedure as Foreign Claims Office here and should from time to time forward accepted cases for final registration in that office ; as regards claims against enemy subjects same course should be adopted, except that the claims should be eventually sent to Public Trustee and not to Foreign Claims Office. I agree with Foreign Office. Copies of instructions and forms used this country are being sent by mail to Home Secretary for guidance of your Government.

Enclosure No. 2.

India Office to the Public Trustee.

R. and S. 597c-15.

INDIA OFFICE,

28th September 1915.

Sir,

* * * * * * *

I am to say that Mr. Chamberlain will be glad to receive your suggestions as to the form and scope of the *questionnaire* to be adopted for the purpose of obtaining information regarding :—

(*i*) Debts from persons in enemy territory due to British subjects in India

(*ii*) Property in enemy territory held by British subjects in India.

* * * * * * *

I am, etc.,

E. J. TURNER.

The Public Trustee.

Enclosure No. 3.

The Public Trustee to India Office.

No. 518.

3 and 4, Clement's Inn,
LONDON, W. C.,
1st October 1915.

Sir,

Trading with the Enemy.

Your letter of the 28th ultimo (your reference R. and S. 5970-15).

* * * * * * *

It may be of some use if I make a few remarks on the purpose of the various forms.

Returns of British property in enemy countries and occupied territories.—Registration Order "G" is used by persons resident or carrying on business in the United Kingdom, to make a return of debts due to them by enemy debtors and bank balances held for them by enemy banks. In practice it is found that the public concerned have little difficulty in filling up this form, except that they sometimes overlook the fact that unpaid dividends due to them from enemy countries are debts.

Registration Order "H" is used for the purpose of making a return of all other property, except personal luggage, held in enemy or occupied territories on behalf of persons resident or carrying on business in the United Kingdom. In practice, the minor difficulties that have arisen have been (1) that the public sometimes have a difficulty in apprehending that, if they are holding, say, Prussian bonds the third column of the Form "H" which asks for the full name and address of the enemy person or firm, should have the entry "Prussian Government" written in it; (2) considerable difficulty arises in obtaining from those who are filling up the forms the necessary information for column 2, "approximate value of property held." The usual thing is to find this column filled with the nominal value of the shares or securities recorded in the first column, and it was considered desirable to have the actual values. It was necessary in a very large number of cases to send out to the persons who had filled in a Registration Order "H," the attached circular (X-28). Even so, however, this circular very frequently comes back with a statement that it was impossible to obtain the particulars desired.

Registration Order "J" is not in practice of very great importance, and no difficulty is found in getting it filled up with the necessary particulars.

* * * * * * *

I am, etc.,

E. K. ALLEN,

Assistant Public Trustee,
Custodian for England and Wales.

The Under Secretary of State for India.

PUBLIC TRUSTEE OFFICE,

3 & 4, CLEMENT'S INN,

STRAND,

LONDON, W. C2.

"Trading with the Enemy."

Registration Order H.

DEAR SIR (OR MADAM),

In reference to the Registration Order filed by you with this Department I desire to call your attention to the fact that you have only given the nominal

14

value of the securities held for you by enemy firms or persons. The object in view when the Return was asked for cannot, however, be attained unless the actual market value, as distinct from the nominal face value, of all securities is recorded. 5/-

It will be readily understood that it does not come within the province of the Public Trustee to accept any responsibility for the realisation after the war of the actual values recorded, while, on the other hand, the person making the return is not pledged to abide by his own valuation of it should it turn out in fact to be less than can be realised when the markets are again working under normal conditions.

In recording the actual values the following rules should be observed:—

1. In all cases where sales in the securities are now taking place, or have taken place since the War began, the prices realised at such sales should be taken as the basis of the valuation.

2. In other cases where no such sales have been made, the value should be the value on the 1st August, 1914, or on the latest date previous to the 1st August, 1914, on which a price was recorded.

3. In cases where lands, houses, or leases are included in the Return, the value recorded should be the estimated capital value as on the 1st August, 1914, less the estimated capital value of any charges on the same.

Please return this letter with the particulars asked for on the annexed sheet (or sheets) duly filled in.

I am, dear Sir (or Madam),

Yours faithfully,

C. J. STEWART,

Public Trustee,

Custodian for England and Wales.

Ref. No. .....

REGISTRATION ORDER H.

To .....

Please enter below the estimated actual value of the securities, &c., registered on the Registration Order H. sent by you to the Public Trustee. Your particular attention is called to the rules given in the last paragraph of the attached circular.

Description of Shares, Securities, Land, Houses, etc., as registered.	Number of Shares, etc., registered.	Value of each Share, etc., registered.	Total Value. £	s.	d.

Enclosure No. 4.

Memorandum of Instructions as to Registration of Claims against enemy subjects and enemy Governments.

The following instructions are issued for the guidance of persons who wish to register their claims against enemy subjects and enemy Governments, with reference to the Press Communiqué, dated the 27th April 1916:—

Claims against Enemy Subjects.

1. The forms prescribed for the purpose of recording claims against enemy subjects are given in the annexed Schedule.

2. *Registration Order* " *G* " should be used by persons or firms residing or carrying on business in India to make a return of :—

(1) Debts owing to them by enemy persons or firms including unpaid dividends and uncashed coupons and unpresented bills accepted by and unpresented cheques drawn by enemy firms or persons.

(2) Bank balances held for them by Banks situated in enemy territory.

(3) Interest which has accrued on items recorded on Registration Order " H."

It should be noted that unpaid dividends and uncashed coupons and unpresented bills or cheques are debts and should be recorded on this form.

3. *Registration Order* " *H* " should be used for the purpose of making a return of property other than debts, Bank balances and personal luggage—held by enemy persons or firms for persons or firms residing or carrying on business in India.

This form should also be used to record claims against enemy Governments and Municipalities in respect of public securities of those Governments and Municipalities held by the persons making the return. The enemy Government or Municipality is, from this point of view, the debtor, and the fact that the paper or other documentary evidence of title is held in this country makes no difference.

This form should not be used for making other claims against enemy Governments, *e.g.*, in respect of goods or property requisitioned, sequestrated or destroyed by those Governments. The procedure in regard to the registration of such claims is laid down in paras. 6-13 *infra*.

It is essential that the actual value of the property held and not merely its face value should be recorded and in estimating these values the following rules should be observed :—

(*a*) In all cases where sales in the securities are now taking place, or have taken place since the war began, the prices realised at such sales should be taken as the basis of the valuation.

(*b*) In other cases where no such sales have been made, the value should be the value on the 1st August 1914, or on the latest date previous to the 1st August 1914, on which a price was recorded.

(*c*) In cases where lands, houses or leases are included in the return, the value recorded should be the estimated capital value as on the 1st August 1914, less the estimated capital value of any charges on the same.

4. *Registration Order* " *J* " should be used to make a return of personal luggage left behind in the enemy country by His Majesty's subjects when travelling home before or since the outbreak of war. Great care should be taken to indicate whether the luggage was given into the charge of some one (*e. g.*, a railway official or hotel-keeper) or was detained against the will of the traveller.

5. Returns in reference to occupied territory should be made on precisely the same forms as those referred to above, except that they will be issued stamped with a rubber stamp with the words " Occupied territory ".

Claims against Enemy Governments.

6. Claims against enemy Governments in respect of public securities of those Governments should be recorded in Registration Order "H", as indicated in paragraph 3 *ante*. As regards other claims against enemy Governments, such as those in respect of property requisitioned, sequestrated or destroyed by those Governments, a statutory declaration verifying the claim should be sent. The declaration must be in the form prescribed under section 1 of the Indian Oaths Act, 1873.

7. If the claimant was born within His Majesty's dominions, the declaration should state the date and place of his birth. If the claimant was born outside His Majesty's dominions but derives British nationality from his father or grandfather, the declaration should state the date and place of birth of such father or grandfather.

If the claimant is a naturalized subject of His Majesty the declaration should state the date of his naturalisation and his previous nationality.

8. If the claimant is a Company incorporated under any law for the time being in force in any part of the British Empire, the declaration should state the date of incorporation.

If all the persons holding shares or otherwise interested in the Company are subjects of His Majesty the declaration should state that fact.

If some of the persons holding shares or otherwise interested in the Company are aliens, the declaration should state the nationality of those persons and the nature of their interest in the Company.

9. Full particulars of the property in respect of which the claim is made should be set out in the declaration or in a schedule attached thereto.

10. The declaration should state the value of the property and the amount of the claim.

Where the value of the property can be proved by documentary evidence, copies of those documents should be attached to the declaration.

Where documentary evidence of the value of the property cannot be adduced, the evidence of the claimant should, so far as it is possible to do so, be corroborated by that of other persons.

11. The declaration should state the facts with regard to the requisitioning, sequestration, or destruction of the property so far as they are known to the claimant.

If the claimant holds any receipts or other documentary evidence of the seizure of his property, copies of such documents should be attached to the declaration.

12. The declaration should also state that, at the date when the property was requisitioned, sequestrated or destroyed, the claimant was the absolute owner thereof.

13. If the claimant, or any person on his behalf, has received any payment in respect of the property, particulars thereof should be set out in the declaration.

General.

14. In making these returns, the term "enemy" should be understood to mean a person of whatever nationality, residing or carrying on business in an enemy country, and the expression "enemy country" should be taken to include territory for the time being in hostile occupation. A British subject who resides or carries on business in enemy territory is, therefore, for the present purposes to be considered an enemy, while a person of German, Austrian, Turkish or Bulgarian nationality residing in this country, even though interned, is not an enemy from this point of view.

With regard to the date to be selected for the making of the return, this should be the outbreak of the war, that is to say, midnight of 4th August 1914 for Germany and Austria-Hungary, 5th November 1914 for Turkey, and 15th October 1915 for Bulgaria. With regard to territory occupied by enemy forces, the date should be the date of occupation as nearly as can be ascertained.

15. It must be clearly understood that the action of the Custodian of Enemy Property or other officer appointed for the purpose will be confined to entering upon the record claims of which particulars are supplied to him, and that it in no way commits His Majesty's Government either to responsibility for the correctness of the claim entered or to taking any action on the conclusion of hostilities or otherwise for the recovery of the debts or property in question. But it is hardly necessary to state that it is in the interest of the creditors that the returns are asked for, as giving important data for the safeguarding of that interest.

Ref. No.

FROM (PERSON TO WHOM DUE).

Name

Address

Business or Profession

SCHEDULE 1.

TO THE CUSTODIAN OF ENEMY PROPERTY.

Office of the Custodian of Enemy Property,

Registration Order "G."

Particulars of Debts (including Bank balances) due from Enemy Persons or Firms to Persons or Firms resident or carrying on business in India.

Full Name of Debtor.	Address of such Debtor.	Amount of Debt (or Bank Balance). £	s	d.	Date when Debt incurred.	Origin of Debt.	If the Debt is secured particulars of security or other particulars.

SCHEDULE H.
(2)

To THE CUSTODIAN, ENEMY PROPERTY,

.....

Office of the Custodian of Enemy Property,.....

Registration Order "H."

Ref. No......

FROM (PERSON FOR WHOM HELD)

Name .....

Address.....

.....

Business or Profession.....

145CID

Particulars of Property (other than Debts and Bank balances) held by Enemy Persons or Firms for Persons or Firms resident or carrying on business in India.

Full description of Property held.	Approximate value of Property held. £ s. d.	Full Name of Enemy Person or Firm holding Property schedule hereto.	Address.	In what capacity does the holder act? (*E.g.*, as Trustee, or Company or Partner or Holder in safe custody or other capacity.)	Other Particulars or Remarks.

SCHEDULE III.

Ref. No.

TO THE CUSTODIAN OF ENEMY PROPERTY,

Office of the Custodian of Enemy Property,

Registration Order "J."

(For Pesonal Luggage only.)

FROM (PERSON TO WHOM LUGGAGE BELONGS):
Name
Address
Business or Profession

Particulars of Personal Luggage detained in Enemy Countries and belonging to persons resident in India.

Full description of the Luggage.	Date when lost.	Approximate value of the Luggage. £	PARTICULARS OF LOSS.					Any other useful particulars may be entered here.
			If left in charge of some one in Enemy Countries give		If lost on journey give			
			Name of person in whose charge it was left.	Address of such person.	Starting point of journey.	Destination of journey.	Place where detained or last seen.	

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

Simla, the 27th April 1916.

PRESS COMMUNIQUE.

It is notified for general information that the undermentioned officers will keep a record of—

(*a*) debts (including Bank balances) due to persons or firms in India from persons or firms residing or carrying on business in an enemy country ;

(*b*) other property in enemy countries (including securities) belonging to persons or firms in India;

(*c*) personal luggage detained in an enemy country and belonging to such persons ; and

(*d*) claims against enemy Governments, *e. g.*, in respect of public securities of those Governments and goods or property requisitioned sequestrated or destroyed by those Governments :—

Officers.	*Provinces to which attached.*
1. Custodian of Enemy Property, Bombay ...	Bombay (including Sind and Aden).
2. Custodian of Enemy Property, Bengal ...	Bengal.
3. Custodian of Enemy Property, Madras ...	Madras and Coorg.

In the case of the other provinces, arrangements will be made by the Local Government and Administration concerned for the maintenance of such a record.

2. Persons or firms desiring to register their claims should apply in the appropriate form to the Officer or Local Government or Administration within whose jurisdiction they reside or carry on business. The forms prescribed for the purpose, and any other information required on the subject, may be obtained from that Officer or the Local Government or Administration concerned, as the case may be.

143DE—2070—26-4-16—GCBPSimla

No. 2208.W.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

FROM

THE HONOURABLE MR. C. E. LOW, C.I.E., I.C.S.,

Secretary to the Government of India,

TO

ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.

Simla, the 27th April 1916.

SIR,

In continuation of the letter from the Home Department No. 2441-2452, dated the 6th August 1915 and with reference to paragraph 9 of this Department's letter No. 383-W., dated the 22nd November 1915, I am directed to forward a copy of the papers specified on the margin*, regarding the scheme for the registration of claims of British and British Indian subjects against enemy subjects and enemy Governments. I am to request that these orders may be given wide publicity and made known to the mercantile community (through the Chamber(s) of Commerce).

* 1. Telegram from His Majesty's Secretary of State for India, dated the 24th September 1915.

2. Extract from letter from the India Office to the Public Trustee, No. R. and S.-5970-15, dated the 28th September 1915.

3. Extract from letter from the Public Trustee to the India Office No. 518, dated the 1st October 1915, and enclosure.

4. Memorandum of instructions as to registration of claims against enemy subjects and enemy Governments.

5. Tabular Statement showing the methods of analysing returns of property in enemy countries belonging to persons or firms in British India.

6. Press Communiqué dated the 27th April 1916.

2. I am to explain that His Majesty's Government desires to obtain full information regarding (1) property in enemy countries belonging to British and British Indian subjects, (2) claims against enemy Governments in respect of goods requisitioned, sequestrated or destroyed by those Governments and (3) property of enemy subjects situated in India. The procedure followed in the United Kingdom by the Public Trustee and the Foreign Claims Office in order to obtain information under the first two heads is explained in detail in the Memorandum which forms an enclosure to this letter. The Tabular Statement enclosed indicates the methods adopted by the Public Trustee in analysing information received under the first head. The Government of India consider that in order to ensure uniform results the same procedure and methods should as far as possible be followed in India in the various provinces. I am to request that arrangements may be made in the province of
for the collection of the requisite information under the first two heads referred to above.

3. Claims against enemy Governments such as those in respect of property requisitioned, sequestrated or destroyed by those Governments should be examined by the Custodian of Enemy Property or other officer appointed for the purpose by the Local Government and full particulars of cases accepted by him should be reported to the Government of India from time to time for transmission to the India Office. The Government of India further desire that a return in the form of the attached Tabular Statement omitting names of creditors and showing the totals of the claims against enemy subjects received during each quarter should be submitted to them. The first return should contain information collected up to the 30th June 1916. Subsequent returns should show (1) the totals of the previous returns, (2) the additions to the returns during the quarter and (3) the totals up to date. Information as to the total approximate value of personal luggage detained in each enemy country and reported during each quarter should be furnished separately along with the returns.

4. The Government of India have under their consideration the question of collecting reliable information regarding property falling under the third head, *viz.*, property of enemy subjects situated in India. A further communication on this subject will follow.

I have the honour to be,

SIR,

Your most obedient servant,

C. E. LOW,

Secretary to the Government of India.

No. 2209-W.

A copy of the correspondence is forwarded to the Foreign and Political Department and the Home Department for information (and for consideration of the question whether Native States may be asked to take similar action).

( ) To Foreign and Political Department only.

By order, etc.,

G. S. HARDY,

Under Secretary to the Government of India.

114CID—1100—26-4-16—GCBP—Simla

Enclosure No. 1.

Telegram, dated the 24th September 1915.

From—The Secretary of State for India,

To—His Excellency the Viceroy (Home Department).

Your telegram dated the 26th August. Foreign Claims Office. Foreign Office request that Government of India should receive and examine claims from British India against enemy Government following same procedure as Foreign Claims Office here and should from time to time forward accepted cases for final registration in that office ; as regards claims against enemy subjects same course should be adopted, except that the claims should be eventually sent to Public Trustee and not to Foreign Claims Office. I agree with Foreign Office. Copies of instructions and forms used this country are being sent by mail to Home Secretary for guidance of your Government.

Enclosure No. 2.

India Office to the Public Trustee.

R. and S. 597c-15.

INDIA OFFICE,

28th September 1915.

Sir,

* * * * * * *

I am to say that Mr. Chamberlain will be glad to receive your suggestions as to the form and scope of the *questionnaire* to be adopted for the purpose of obtaining information regarding :—

(*i*) Debts from persons in enemy territory due to British subjects in India ;

(*ii*) Property in enemy territory held by British subjects in India.

* * * * * * *

I am, etc.,

E. J. TURNER.

The Public Trustee.

Enclosure No. 3.

The Public Trustee to India Office.

No. 518.

3 and 4, Clement's Inn,
LONDON, W. C.,
1st October 1915.

Sir,

Trading with the Enemy.

Your letter of the 28th ultimo (your reference R. and S. 597c-15).

* * * * * * *

It may be of some use if I make a few remarks on the purpose of the various forms.

Returns of British property in enemy countries and occupied territories.—Registration Order " G " is used by persons resident or carrying on business in the United Kingdom, to make a return of debts due to them by enemy debtors and bank balances held for them by enemy banks. In practice it is found that the public concerned have little difficulty in filling up this form, except that they sometimes overlook the fact that unpaid dividends due to them from enemy countries are debts.

Registration Order " H " is used for the purpose of making a return of all other property, except personal luggage, held in enemy or occupied territories on behalf of persons resident or carrying on business in the United Kingdom. In practice, the minor difficulties that have arisen have been (1) that the public sometimes have a difficulty in apprehending that, if they are holding, say, Prussian bonds, the third column of the Form " H " which asks for the full name and address of the enemy person or firm, should have the entry " Prussian Government " written in it ; (2) considerable difficulty arises in obtaining from those who are filling up the forms the necessary information for column 2, " approximate value of property held. " The usual thing is to find this column filled with the nominal value of the shares or securities recorded in the first column, and it was considered desirable to have the actual values. It was necessary in a very large number of cases to send out to the persons who had filled in a Registration Order " H, " the attached circular (X-28). Even so, however, this circular very frequently comes back with a statement that it was impossible to obtain the particulars desired.

Registration Order " J " is not in practice of very great importance, and no difficulty is found in getting it filled up with the necessary particulars.

* * * * * * *

I am, etc.,

E. K. ALLEN,

Assistant Public Trustee,
Custodian for England and Wales.

The Under Secretary of State for India.

PUBLIC TRUSTEE OFFICE,
3 & 4, CLEMENT'S INN,
STRAND,
LONDON, W. C.

"Trading with the Enemy."

Registration Order H.

DEAR SIR (OR MADAM),

In reference to the Registration Order filed by you with this Department I desire to call your attention to the fact that you have only given the nominal

value of the securities held for you by enemy firms or persons. The object in view when the Return was asked for cannot, however, be attained unless the actual market value, as distinct from the nominal face value, of all securities is recorded.

It will be readily understood that it does not come within the province of the Public Trustee to accept any responsibility for the realisation after the war of the actual values recorded, while, on the other hand, the person making the return is not pledged to abide by his own valuation of it should it turn out in fact to be less than can be realised when the markets are again working under normal conditions.

In recording the actual values the following rules should be observed:—

1. In all cases where sales in the securities are now taking place, or have taken place since the War began, the prices realised at such sales should be taken as the basis of the valuation.

2. In other cases where no such sales have been made, the value should be the value on the 1st August, 1914, or on the latest date previous to the 1st August, 1914, on which a price was recorded.

3. In cases where lands, houses, or leases are included in the Return, the value recorded should be the estimated capital value as on the 1st August, 1914, less the estimated capital value of any charges on the same.

Please return this letter with the particulars asked for on the annexed sheet (or sheets) duly filled in.

I am, dear Sir (or Madam),

Yours faithfully,

C. J. STEWART,

Public Trustee,

Custodian for England and Wales.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

Simla, the 27th April 1916.

PRESS COMMUNIQUE.

It is notified for general information that the undermentioned officers will keep a record of—

(*a*) debts (including Bank balances) due to persons or firms in India from persons or firms residing or carrying on business in an enemy country ;

(*b*) other property in enemy countries (including securities) belonging to persons or firms in India;

(*c*) personal luggage detained in an enemy country and belonging to such persons ; and

(*d*) claims against enemy Governments, *e. g.*, in respect of public securities of those Governments and goods or property requisitioned, sequestrated or destroyed by those Governments :—

Officers.	*Provinces to which attached.*
1. Custodian of Enemy Property, Bombay ...	Bombay (including Sind and Aden).
2. Custodian of Enemy Property, Bengal ...	Bengal.
3. Custodian of Enemy Property, Madras ...	Madras and Coorg.

In the case of the other provinces, arrangements will be made by the Local Government and Administration concerned for the maintenance of such a record.

2. Persons or firms desiring to register their claims should apply in the appropriate form to the Officer or Local Government or Administration within whose jurisdiction they reside or carry on business. The forms prescribed for the purpose, and any other information required on the subject, may be obtained from that Officer or the Local Government or Administration concerned, as the case may be.

143DE—2070—26-4-16—GCBPSimla

No. 2208.W.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

FROM

THE HONOURABLE MR. C. E. LOW, C.I.E., I.C.S.,

Secretary to the Government of India,

TO

ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.

Simla, the 27th April 1916.

SIR,

In continuation of the letter from the Home Department No. 2441-2452, dated the 6th August 1915 and with reference to paragraph 9 of this Department's letter No. 383-W., dated the 22nd November 1915, I am directed to forward a copy of the papers specified on the margin*, regarding the scheme for the registration of claims of British and British Indian subjects against enemy subjects and enemy Governments. I am to request that these orders may be given wide publicity and made known to the mercantile community (through the Chamber(s) of Commerce).

* 1. Telegram from His Majesty's Secretary of State for India, dated the 24th September 1915.

2. Extract from letter from the India Office to the Public Trustee, No. R. and S.-5970-15, dated the 28th September 1915.

3. Extract from letter from the Public Trustee to the India Office No. 518, dated the 1st October 1915, and enclosure.

4. Memorandum of instructions as to registration of claims against enemy subjects and enemy Governments.

5. Tabular Statement showing the methods of analysing returns of property in enemy countries belonging to persons or firms in British India.

6. Press Communiqué dated the 27th April 1916.

2. I am to explain that His Majesty's Government desires to obtain full information regarding (1) property in enemy countries belonging to British and British Indian subjects, (2) claims against enemy Governments in respect of goods requisitioned, sequestrated or destroyed by those Governments and (3) property of enemy subjects situated in India. The procedure followed in the United Kingdom by the Public Trustee and the Foreign Claims Office in order to obtain information under the first two heads is explained in detail in the Memorandum which forms an enclosure to this letter. The Tabular Statement enclosed indicates the methods adopted by the Public Trustee in analysing information received under the first head. The Government of India consider that in order to ensure uniform results the same procedure and methods should as far as possible be followed in India in the various provinces. I am to request that arrangements may be made in the province of
for the collection of the requisite information under the first two heads referred to above.

3. Claims against enemy Governments such as those in respect of property requisitioned, sequestrated or destroyed by those Governments should be examined by the Custodian of Enemy Property or other officer appointed for the purpose by the Local Government and full particulars of cases accepted by him should be reported to the Government of India from time to time for transmission to the India Office. The Government of India further desire that a return in the form of the attached Tabular Statement omitting names of creditors and showing the totals of the claims against enemy subjects received during each quarter should be submitted to them. The first return should contain information collected up to the 30th June 1916. Subsequent returns should show (1) the totals of the previous returns, (2) the additions to the returns during the quarter and (3) the totals up to date. Information as to the total approximate value of personal luggage detained in each enemy country and reported during each quarter should be furnished separately along with the returns.

4. The Government of India have under their consideration the question of collecting reliable information regarding property falling under the third head, *viz.*, property of enemy subjects situated in India. A further communication on this subject will follow.

I have the honour to be,

SIR,

Your most obedient servant,

C. E. LOW,

Secretary to the Government of India.

No. 2209-W.

A copy of the correspondence is forwarded to the Foreign and Political Department and the Home Department for information (and for consideration of the question whether Native States may be asked to take similar action).

( ) To Foreign and Political Department only.

By order, etc.,

G. S. HARDY,

Under Secretary to the Government of India.

114CID—1100—26-4-16—GCBP—Simla

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

Simla, the 27th April 1916.

PRESS COMMUNIQUE.

It is notified for general information that the undermentioned officers will keep a record of—

(*a*) debts (including Bank balances) due to persons or firms in India from persons or firms residing or carrying on business in an enemy country ;

(*b*) other property in enemy countries (including securities) belonging to persons or firms in India ;

(*c*) personal luggage detained in an enemy country and belonging to such persons ; and

(*d*) claims against enemy Governments, *e. g.*, in respect of public securities of those Governments and goods or property requisitioned, sequestrated or destroyed by those Governments :—

Officers.	*Provinces to which attached.*
1. Custodian of Enemy Property, Bombay ...	Bombay (including Sind and Aden).
2. Custodian of Enemy Property, Bengal ...	Bengal.
3. Custodian of Enemy Property, Madras ...	Madras and Coorg.

In the case of the other provinces, arrangements will be made by the Local Government and Administration concerned for the maintenance of such a record.

2. Persons or firms desiring to register their claims should apply in the appropriate form to the Officer or Local Government or Administration within whose jurisdiction they reside or carry on business. The forms prescribed for the purpose, and any other information required on the subject, may be obtained from that Officer or the Local Government or Administration concerned, as the case may be.

143DE—2070—26-4-16—GCBPSimla

No. 2208.W.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

FROM

THE HONOURABLE MR. C. E. LOW, C.I.E., I.C.S.,

Secretary to the Government of India,

TO

ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.

Simla, the 27th April 1916.

SIR,

In continuation of the letter from the Home Department No. 2441-2452, dated the 6th August 1915 and with reference to paragraph 9 of this Department's letter No. 383-W., dated the 22nd November 1915, I am directed to forward a copy of the papers specified on the margin*; regarding the scheme for the registration of claims of British and British Indian subjects against enemy subjects and enemy Governments. I am to request that these orders may be given wide publicity and made known to the mercantile community (through the Chamber(s) of Commerce).

* 1. Telegram from His Majesty's Secretary of State for India, dated the 24th September 1915.

2. Extract from letter from the India Office to the Public Trustee, No. R. and S.-5970-15, dated the 28th September 1915.

3. Extract from letter from the Public Trustee to the India Office No. 518, dated the 1st October 1915, and enclosure.

4. Memorandum of instructions as to registration of claims against enemy subjects and enemy Governments.

5. Tabular Statement showing the methods of analysing returns of property in enemy countries belonging to persons or firms in British India.

6. Press Communiqué dated the 27th April 1916.

2. I am to explain that His Majesty's Government desires to obtain full information regarding (1) property in enemy countries belonging to British and British Indian subjects, (2) claims against enemy Governments in respect of goods requisitioned, sequestrated or destroyed by those Governments and (3) property of enemy subjects situated in India. The procedure followed in the United Kingdom by the Public Trustee and the Foreign Claims Office in order to obtain information under the first two heads is explained in detail in the Memorandum which forms an enclosure to this letter. The Tabular Statement enclosed indicates the methods adopted by the Public Trustee in analysing information received under the first head. The Government of India consider that in order to ensure uniform results the same procedure and methods should as far as possible be followed in India in the various provinces. I am to request that arrangements may be made in the province of
for the collection of the requisite information under the first two heads referred to above.

3. Claims against enemy Governments such as those in respect of property requisitioned, sequestrated or destroyed by those Governments should be examined by the Custodian of Enemy Property or other officer appointed for the purpose by the Local Government and full particulars of cases accepted by him should be reported to the Government of India from time to time for transmission to the India Office. The Government of India further desire that a return in the form of the attached Tabular Statement omitting names of creditors and showing the totals of the claims against enemy subjects received during each quarter should be submitted to them. The first return should contain information collected up to the 30th June 1916. Subsequent returns should show (1) the totals of the previous returns, (2) the additions to the returns during the quarter and (3) the totals up to date. Information as to the total approximate value of personal luggage detained in each enemy country and reported during each quarter should be furnished separately along with the returns.

4. The Government of India have under their consideration the question of collecting reliable information regarding property falling under the third head, *viz.*, property of enemy subjects situated in India. A further communication on this subject will follow.

I have the honour to be,

SIR,

Your most obedient servant,

C. E. LOW,

Secretary to the Government of India.

No. 2209-W.

A copy of the correspondence is forwarded to the Foreign and Political Department and the Home Department for information (and for consideration of the question whether Native States may be asked to take similar action).

( ) To Foreign and Political Department only.

By order, etc.,

G. S. HARDY,

Under Secretary to the Government of India.

114CID—1100—26-4-16—GCBP—Simla

Enclosure No. 1.

Telegram, dated the 24th September 1915.

From—The Secretary of State for India,

To—His Excellency the Viceroy (Home Department)

Your telegram dated the 26th August. Foreign Claims Office. Foreign Office request that Government of India should receive and examine claims from British India against enemy Government following same procedure as Foreign Claims Office here and should from time to time forward accepted cases for final registration in that office ; as regards claims against enemy subjects same course should be adopted, except that the claims should be eventually sent to Public Trustee and not to Foreign Claims Office. I agree with Foreign Office. Copies of instructions and forms used this country are being sent by mail to Home Secretary for guidance of your Government.

Enclosure No. 2.

India Office to the Public Trustee.

R. and S. 5970-15.

INDIA OFFICE,

28th September 1915.

Sir,

* * * * * * *

I am to say that Mr. Chamberlain will be glad to receive your suggestions as to the form and scope of the *questionnaire* to be adopted for the purpose of obtaining information regarding :—

(*i*) Debts from persons in enemy territory due to British subjects in India ;

(*ii*) Property in enemy territory held by British subjects in India.

* * * * * * *

I am, etc.,

E. J. TURNER.

The Public Trustee.

Enclosure No. 3.

The Public Trustee to India Office.

No. 518.

3 and 4, Clement's Inn,
LONDON, W. C.,
1st October 1915.

Sir,

Trading with the Enemy.

Your letter of the 28th ultimo (your reference R. and S. 5970-15).

* * * * * * *

It may be of some use if I make a few remarks on the purpose of the various forms.

Returns of British property in enemy countries and occupied territories.—Registration Order "G" is used by persons resident or carrying on business in the United Kingdom, to make a return of debts due to them by enemy debtors and bank balances held for them by enemy banks. In practice it is found that the public concerned have little difficulty in filling up this form, except that they sometimes overlook the fact that unpaid dividends due to them from enemy countries are debts.

Registration Order "H" is used for the purpose of making a return of all other property, except personal luggage, held in enemy or occupied territories on behalf of persons resident or carrying on business in the United Kingdom. In practice, the minor difficulties that have arisen have been (1) that the public sometimes have a difficulty in apprehending that, if they are holding, say, Prussian bonds, the third column of the Form "H" which asks for the full name and address of the enemy person or firm, should have the entry "Prussian Government" written in it; (2) considerable difficulty arises in obtaining from those who are filling up the forms the necessary information for column 2, "approximate value of property held." The usual thing is to find this column filled with the nominal value of the shares or securities recorded in the first column, and it was considered desirable to have the actual values. It was necessary in a very large number of cases to send out to the persons who had filled in a Registration Order "H," the attached circular (X-28). Even so, however, this circular very frequently comes back with a statement that it was impossible to obtain the particulars desired.

Registration Order "J" is not in practice of very great importance, and no difficulty is found in getting it filled up with the necessary particulars.

* * * * * * *

I am, etc.,

E. K. ALLEN,

Assistant Public Trustee,
Custodian for England and Wales.

The Under Secretary of State for India.

Home X 2

PUBLIC TRUSTEE OFFICE,

3 & 4, CLEMENT'S INN,

STRAND,

LONDON, W. C.

"Trading with the Enemy."

Registration Order H.

DEAR SIR (OR MADAM),

In reference to the Registration Order filed by you with this Department I desire to call your attention to the fact that you have only given the nominal

38

value of the securities held for you by enemy firms or persons. The object in view when the Return was asked for cannot, however, be attained unless the actual market value, as distinct from the nominal face value, of all securities is recorded.

It will be readily understood that it does not come within the province of the Public Trustee to accept any responsibility for the realisation after the war of the actual values recorded, while, on the other hand, the person making the return is not pledged to abide by his own valuation of it should it turn out in fact to be less than can be realised when the markets are again working under normal conditions.

In recording the actual values the following rules should be observed:—

1. In all cases where sales in the securities are now taking place, or have taken place since the War began, the prices realised at such sales should be taken as the basis of the valuation.

2. In other cases where no such sales have been made, the value should be the value on the 1st August, 1914, or on the latest date previous to the 1st August, 1914, on which a price was recorded.

3. In cases where lands, houses, or leases are included in the Return, the value recorded should be the estimated capital value as on the 1st August, 1914, less the estimated capital value of any charges on the same.

Please return this letter with the particulars asked for on the annexed sheet (or sheets) duly filled in.

I am, dear Sir (or Madam),

Yours faithfully,

C. J. STEWART,

Public Trustee,

Custodian for England and Wales.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

Simla, the 27th April 1916.

PRESS COMMUNIQUE.

It is notified for general information that the undermentioned officers will keep a record of—

(*a*) debts (including Bank balances) due to persons or firms in India from persons or firms residing or carrying on business in an enemy country ;

(*b*) other property in enemy countries (including securities) belonging to persons or firms in India ;

(*c*) personal luggage detained in an enemy country and belonging to such persons ; and

(*d*) claims against enemy Governments, *e. g.*, in respect of public securities of those Governments and goods or property requisitioned, sequestrated or destroyed by those Governments :—

Officers.	*Provinces to which attached.*
1. Custodian of Enemy Property, Bombay ...	Bombay (including Sind and Aden).
2. Custodian of Enemy Property, Bengal ...	Bengal.
3. Custodian of Enemy Property, Madras ...	Madras and Coorg.

In the case of the other provinces, arrangements will be made by the Local Government and Administration concerned for the maintenance of such a record.

2. Persons or firms desiring to register their claims should apply in the appropriate form to the Officer or Local Government or Administration within whose jurisdiction they reside or carry on business. The forms prescribed for the purpose, and any other information required on the subject, may be obtained from that Officer or the Local Government or Administration concerned, as the case may be.

148DE—2070—26-4-16—GCBPSimla

12/7

II III.

No. G 576/ G.Dn. 517-15-4.

dt. 13.7.16

Notification.

The Revenue Commissioner in Mysore is appointed Custodian of Enemy Property, Mysore, in addition to his own duties till the war is over or until further orders.

By order,

7/7

Secretary to Government,
General Department.

To

the Compiler, Mysore Gazette for publication.

No. G. 577 dt 13.7.16.

Copy of the above is forwarded to the Revenue Commissioner in Mysore for information.

By order,

7/7

Secretary to Government,
General Department.

11.7.16

14/7/16

T.M.M.

G. 578 / Gn. 517-15-5 dt. 13.7.46.

Notification.

It is hereby notified for general information that the Custodian of Enemy property, Mysore will keep a record of

(a) debts (including Bank balances) due to persons or firms in the State ~~given~~ from persons or firms residing or carrying on business in an enemy country;

(b) other property in enemy countries (including securities) belonging to persons or firms in the State;

(c) personal luggage detained in an enemy country and belonging to such persons and

(d) claims against enemy Governments e. g. in respect of public securities of those Governments and goods or property requisitioned, sequestered or destroyed by those Governments.

2. Persons or firms desiring to register their claims should apply in the appropriate form to the Custodian of Enemy property, Mysore ~~and~~ or to the Deputy Commissioner within whose jurisdiction they reside or carry on business. The forms prescribed for the purpose and any other information required on the subject may be obtained from the Custodian of Enemy Property, or the Deputy Commissioner concerned. As soon as Deputy

Deputy Commissioners receive applications, they should hold an enquiry into the matter and forward them to the Custodian with their report.

By order,

Secretary to Government,
General Department.

No G. 579 dt. 13.7.16.

Copy of the above is forwarded to the Revenue Commissioner in Mysore and Custodian of Enemy Property ~~in Mysore~~ for information.

By order,

Secretary to Government,
General Department.

T.M.M.

I
No. G. 580 Gen. 517-15-6
Cuel one dt. 13.7.46.

To.

(1) The Revenue Commissioner and
Custodian of Enemy Property
~~and (2-9) The Deputy Commissioners~~
~~of Districts.~~

Sir,

I am directed to forward a copy of the papers specified in the margin regarding the scheme for the registration of claims of subjects of the State against enemy subjects and enemy governments. I am to request that they may be given wide publicity and made known to the mercantile community.

(1) Memorandum of instructions as to registration of claims against enemy subjects and enemy Government.

(2) Tabular statement showing the methods of analysing returns of property in enemy countries belonging to persons or firms in the State.

(3) Notification No. dated.

2. I am to explain that the object is to obtain full information regarding (1) property in enemy countries belonging to subjects of the State and (2) claims against enemy Governments in respect of goods requisitioned, sequestered or destroyed by those Governments. The procedure to be followed in order to obtain information under the above heads is explained in detail in the memorandum which forms an enclosure to this letter. The tabular statement enclosed indicates the methods to be adopted in analysing information received under the first head.

3. Claims against enemy Governments such as those in respect of property requisitioned, sequestered or destroyed by those Governments should be examined

by

by the Custodian of enemy property in Mysore and full particulars of cases accepted by him should be reported to Government from time to time for transmission to the Residency. It is further desired that a return in the form of the attached tabular statement omitting the names of creditors and showing the totals of the claims against enemy -- subjects received during each quarter be submitted immediately after the end of that quarter to Government for transmission to the Residency. The first -- return should show information collected up to the 30th September 1916. Subsequent returns should show (1) the totals of the previous returns (2) the additions to the returns during the quarter and the totals up to date. Information as to the total approximate value of personal luggage detained in each enemy country and reported during each quarter should be furnished separately along with the returns.

4. The Superintendent, Government Press will be requested to send you 20 copies of each of the prescribed printed forms and a similar number to each of -- the Deputy Commissioners.

I have etc.,

Genl Secy. to Govt.

P T O

No G.S.81-88 dt. 13.7.16 (16)
Copy to the Dy Comms of Dts for information.- By Order

Memo: No. G. S-89/Guel 2. Secy to Govt Gen. Dept

Dated, Bangalore, 13th July 1916

Copy of the above ~~is~~ are forwarded to the Superintendent, Government Press, for information and compliance.

By Order,

Secretary to Government,
General Department.

11.7.16

Letter No. 5930-W-II, dated the 15th July 1916, from the Government of India, Department of Commerce and Industry to the Chief Secretary to the Government of Bombay

---

I am directed to acknowledge your No. 406 P of 1916, relating to the dates prescribed for the registration of certain ~~mf~~ claims against enemies.

2. Your presumption as regards the meaning of the second portion of paragraph 14 of the memorandum referred to is correct, and the claim registered should show the exact statement of the claim as it stood on the date specified according to the nationality of the enemy involved.

3. Interest should be calculated for the purpose of Registration Order G from the date at which the debt fell due up to the date at which the principal claim is described in Registration Order H, i.e., the 4th August or the 5th November as the case may be.

No. 5931-W-II.

A copy with a copy of the Government of Bombay's letter is forwarded to all Local Governments (except Bombay) and Administrations.

DIARY NO. 1080

1915-1916
SECTION 2 m
FILE NO. 517-15
ORIGINAL NO. 1

By order, etc.,

Sd/- G. Hardy,
Offg. Under Secy. to the Govt. of India.

KMK

No. 5421/2m-2. Mysore Resident's office,

Pol 23 v 22-8-16

Bangalore, 2nd August 1916.

A copy of the foregoing endorsement with enclosures is forwarded to the Government of His Highness the Maharaja of Mysore, for information — in continuation of letter No. 3882, dated the 2nd June 1916.

23/Com. 3

3

S. Sr. G. Lucas

First Assistant Resident.

KM

No. 406 P of 1916.

Revenue Department, Poona,

22nd June 1916.

From

The Hon'ble Mr.F.R.Cadell, C.I.E., I.C.S.,
Chief Secy. to the Govt. of Bombay.

To

The Secy. to the Govt. of India,
Dept. of Commerce and Industry.

Sir,

With reference to the letter from the Government of India, Department of Commerce and Industry, No.2208-W, dated 27th April 1916, I am directed to forward copy of a letter No. C-296 dated 15th June 1916, from the Custodian of Enemy Property, Bombay Presidency, in which he enquires (1) upto what date interest on debts due from enemies should be calculated for the purpose of the registration of claims against enemy subjects and (2) the purpose for which the dates mentioned in the latter portion of paragraph 14 of the "Memorandum of Instructions as to registration of claims against enemy subjects and enemy Governments" have been prescribed. It is presumed that the meaning of the second portion of paragraph 14 is that the claim registered should show the exact statement of the claim as it stood on the date specified according to the nationality of the enemy involved. The claim would therefore naturally include any interest due from the date on which the obligation was incurred up to the date specified. Whether any interest could be claimed beyond that date, or whether interest, whether claimed or not, should be calculated as running upon the claim from the outbreak of hostilities, or of enemy occupation until the cessation of hostilities or of enemy occupation, seems to require the orders of the Govt. of India, and I am to request they may be obtained and communicated to this Government.

I have, etc.

Sd/- F.R.Cadell,
Chief Secy. to Government.

No.C.296 of 1916.

From-F.S.Kellor, Esquire,
Custodian of Enemy Property, Bombay Presidency.

To - The Chief Secretary to the Govt. of Bombay,
Revenue Department.

Canada Buildings, Home Street,
Bombay, 15th June 1916.

Sir,

In connection with the registration of claims against enemy subjects and enemy Governments under the scheme prescribed in Government Order, Revenue Department No. 65-F, dated 15th May 1916, I have the honour to submit the following point for the orders of Government.

Interest on debts due from enemies is also a claim against them and should be entered in Registration Order C. Inquiries have, however, been received by me as to the date upto which such interest should be calculated for the purpose of registration. The question whether any interest can legally be claimed from persons in enemy countries during the period of the war is not free from doubt inasmuch as such persons are, under the existing circumstances, precluded from discharging their debts or receiving notices for payment. In a recent case filed by Mr. W.R.Padgett on behalf of Bume and Reif, a German firm under my control, against Jamsetji N. Chotnia, the Hon'ble Mr.Justice MacLeod held, with regard to interest, that the defendant was not liable to pay interest which is in the nature of damages for non-payment of the debt, unless and until he was legally and formally notified that a license had been granted by Government to Mr. Padgett to collect the debt. He, therefore, disallowed interest for the period from the date of the outbreak of the war upto the date of the receipt by the defendant of notice as to Mr.Padegett's title to recover the debt. It thus appears that, according to the learned Judge's opinion, interest is not claimable when the principal amount cannot be paid or demanded inaccordance with the laws of the country for the time being. I understand from the Custodian of Enemy Property [illegible]

registered a claim for interest in one case only, and that upto 30th June 1916. This date seems to have been adopted arbitrarily. As the Government of India desire that in order to ensure uniform results the same methods should be adopted throughout India, I am to request that the Government of India may be moved to issue definite instructions as to the date upto which interest should be calculated for the purpose of registration. In this connection, I may observe that in paragraph 14 of the Memorandum of Instructions appended to the Government order quoted above certain dates are prescribed "for the making of the return". Evidently these dates have no reference to the question of interest. What they actually apply to, however, is not clear to me. The returns are to contain claims regarding unpaid debts. The dates of their becoming due, which might be long before the war or after it, do not seem to affect the claimants' right to register them so long as they are unpaid. I shall, therefore be glad if Government will be pleased to specify the purpose for which these dates have been prescribed.

2. As it is desirable that the registration of claims on definite lines should be commenced as soon as possible, I am to request that this matter may be treated as urgent.

I have, etc.,

Sd/- P.S.Hellor,
Custodian of Enemy Property.

"C o p y"

Registrar, Resident's office.

G. R. S. 26]

G2 File No. 517-18

Serial No. 10

Diary No. of letter replied to .....

No. G 2221/3

General and Revenue Secretariat

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To

The Rev. Commr. in Mysore and
Custodian of Enemy Property.

Sir,

Date of issue 17.8.16

Signed by Mrs. H. Jayaswamy Jr.

I am directed to forward herewith copies of letter no: 5930-C-11 & 15th July 1916 from the Govt. of India, Dept. of Commerce and Industry to the Chief Secretary to the Govt. of Bombay and its enclosures relating to the dates prescribed for the registration of claims against ene[illegible] and to request that they may be gi[illegible] wide publicity.

~~The Bombay Govt. Press will be~~

over.

SUBJECT.

13/5/16

you with
Enclosures
submit to

to each ?

Thanks
12/8/16

For Secy.

Secy. for

By order

For Secy.

information &

By order.

For Secy

List of enclosures

Copied by

Examined by

GPO—20.0—10-15-4